



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,790	10/19/2005	Francesco Pessolano	NL03 0397 US1	4003
65913	7550	07/18/2011		
NXP, B.V. NXP INTELLECTUAL PROPERTY & LICENSING M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131			EXAMINER KING, JOHN B	
			ART UNIT 2435	PAPER NUMBER
			NOTIFICATION DATE 07/18/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

**Advisory Action**  
**Before the Filing of an Appeal Brief**

**Application No.**

10/553,790

**Applicant(s)**

PESSOLANO, FRANCESCO

**Examiner**

John B. King

**Art Unit**

2435

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 28 June 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(g).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☒ Applicant's reply has overcome the following rejection(s): 112 (2) rejection of claim 1.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_  
Claim(s) objected to: \_\_\_\_\_  
Claim(s) rejected: 1-8, 13 and 14.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

/Kimyen Vu/  
Supervisory Patent Examiner, Art Unit 2435

/John B King/  
Examiner, Art Unit 2435

Continuation of 11. does NOT place the application in condition for allowance because:

I) Applicant's first argument appears to be that the cited prior art does not teach having multiple processing circuits and to "receive a pair of processing signals for each of the processing circuits".

First of all, the examiner would like to note that the claims do not recite that each processing circuit sends a pair of signals to the activity monitor. They merely recite that the activity monitor receives a pair of signals (2 signals) for each processing circuit where one of the signals is an output signal from the processing circuit. The other signal in each pair of signals is not specifically defined in the claims. Therefore, the examiner will interpret this signal, in the pair of signals, as a power connection i.e. each pair of signals includes a power connection and an output signal from the processing circuit. Therefore, only one signal is required to be sent from each processing circuit.

Regarding the multiple processing circuits, Thuringer col. 1 lines 25-38 teaches monitoring the power consumption of a data processing device in order to mask the power supply using a loading circuit. Claim 1 of Thuringer goes on to recite that "said data processing device including a plurality of logic circuits" i.e. there are multiple processing circuits. Claims 1 further recites that "the power consumption of the data carrier is masked ... in dependence on the portion of the plurality of logic circuits involved". Therefore, the total power consumption of the device is a summation of the power consumption of each of the individual logic circuits. In order to achieve this, each processing circuit must send a power consumption signal to be summed and used to mask the total power supply current of the device. This can also be seen in Figure 3 of Thuringer. Figure 3 teaches having the security circuitry 9, which is comprised of multiple logic circuits, send multiple signals through wires 11 to the complementary machine 10. The complementary machine calculates the total load (total power consumption) of the device and draws an appropriate load current to mask the total power consumption.

II) Applicant is arguing combination of references because Thuringer "teaches away" from the proposed combination.

The examiner respectfully disagrees. Even though Thuringer teaches that it is preferable to have the loading circuit and the data processing device be combined together in one circuit does not constitute teaching away from having them be separate. Thuringer actually teaches that the loading circuit and the data processing device can be separate, but it would be beneficial to have them be combined together. Please also see MPEP 2145 X.D.(1), which recites that "A known or obvious composition does not become patentable simply because it has been described as somewhat inferior to some other product for the same use".